IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 8TH AUGUST 2007 / 17TH SRAVANA 1929

CRL.A.No. 1106 of 2002()

ST.319/2000 of CHIEF JUDICIAL MAGISTRATE COURT, THRISSUR
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APPELLANT: COMPLAINANT:

E.S.I. CORPORATION,
REPRESENTED BY THE E.S.I. INSPECTOR, THRISSUR.

BY ADV. SMT.T.D.RAJALAKSHMI

RESPONDENTS: ACCUSED AND STATE:
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1. **B.S.NAIR, MANAGING DIRECTOR,**
   M/S. HOTEL RAJMAHAL, VALANJAMBALAM,COCHIN-682 016.

2. **MR.M.N.RAVI VARMA,**
   M/S. HOTEL RAJMAHAL, VALANJAMBALAM,COCHIN-682 016.

3. **M/S. HOTEL RAJMAHAL,**
   VALANJAMBALAM, COCHIN-682 016, REPRESENTED BY
   B.S.NAIR AND M.N.RAVI VARMA.

4. **STATE OF KERALA,**
   REPRESENTED BY THE PROSECUTOR,
   HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI.SANTHOSHKUMAR

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 08/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.R.UDAYABHANU, J.

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Crl.A.No.1106 of 2002(D)

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Dated this the 8th day of August, 2007

J U D G M E N T

The appellant is the complainant in S.T.No.319/2000 in the file of the Chief Judicial Magistrate, Thrissur, with respect to the proceedings initiated under Section 138 of the Negotiable Instruments Act. The accused was acquitted under Section 256(1) of the Code of Criminal Procedure. It is submitted that the lapse was occasioned due to unavoidable circumstances.

In the circumstances, the order of acquittal is set aside. The court below is directed to permit the appellant/complainant to further pursue the matter and dispose of the case on merits. The appellant shall appear before the court below on 10/09/2007. The court below shall issue fresh summons to the accused.

The appeal is allowed.

K.R.UDAYABHANU,
Judge

ms

K.R.UDAYABHANU, J.

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Crl.A.No.1106 of 2002(D)

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J U D G M E N T

8th August, 2007